

Dec 3 2003

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

Case No. 03-22270-Civ-Gold/Simonton**AMAZON.COM, INC., a Delaware
corporation,****Plaintiff,****vs.****ROCKIN TIME HOLDINGS, INC., a
Florida corporation, and JOHN DOES
1-20****Defendants.**

/**ANSWER AND DEFENSES**

Plaintiff/Counter-Defendant Amazon.com, Inc. ("Amazon.com") answers the Counterclaim of Defendant/Counter-Plaintiff Rockin Time Holdings, Inc. ("RTHI") as follows. All allegations not specifically admitted are denied.

1. Answering paragraph 1, Amazon.com admits the allegations therein.
2. Answering paragraph 2, Amazon.com admits the allegations therein.
3. Answering paragraph 3, Amazon.com denies each and every allegation therein.
4. Answering paragraph 4, Amazon.com admits the allegations therein.
5. Answering paragraph 5, Amazon.com denies each and every allegation therein.

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6. Answering paragraph 6, Amazon.com admits that it issued a press release on August 26, 2003 on its website www.amazon.com and that Exhibit 1 to RTHI's counterclaim appears to a copy of that press release. Amazon.com denies each and every other or different allegation in this paragraph.

7. Answering paragraph 7, Amazon.com admits that it issued a press release on August 26, 2003 on its website www.amazon.com and that the press release speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

8. Answering paragraph 8, Amazon.com admits that it issued a press release on August 26, 2003 on its website www.amazon.com and that the press release speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

9. Answering paragraph 9, Amazon.com admits that it issued a press release on August 26, 2003 on its website www.amazon.com and that the press release speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

10. Answering paragraph 10, Amazon.com admits that it issued a press release on August 26, 2003 on its website www.amazon.com and that the press release speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

11. Answering paragraph 11, Amazon.com admits that it created a webpage Stop Spoofing, located at www.amazon.com/stops spoofing, which speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

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12. Answering paragraph 12, Amazon.com admits that it created a webpage Stop Spoofing, located at www.amazon.com/stops spoofing, which speaks for itself. Amazon.com denies each and every other or different allegation in this paragraph.

13. Answering paragraph 13, Amazon.com denies each and every allegation therein.

14. Answering paragraph 14, Amazon.com denies each and every allegation therein.

15. Answering paragraph 15, Amazon.com lacks information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies the same.

16. Answering paragraph 16, Amazon.com denies each and every allegation therein.

17. Answering paragraph 17, Amazon.com admits that the Press Release and webpage Stop Spoofing are still accessible on www.amazon.com. Amazon.com denies each and every other or different allegation in this paragraph.

18. Answering paragraph 18, Amazon.com lacks information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies the same.

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19. Answering paragraph 19, Amazon.com lacks information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies the same.

DEFAMATION

20. Answering paragraph 20, Amazon.com realleges and incorporates its responses to paragraphs 1 through 19 above.

21. Answering paragraph 21, Amazon.com denies each and every allegation therein.

22. Answering paragraph 22, Amazon.com denies each and every allegation therein.

23. Answering paragraph 23, Amazon.com denies each and every allegation therein.

24. Answering paragraph 24, Amazon.com denies each and every allegation therein.

AFFIRMATIVE DEFENSES

BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSE, plaintiff/Counter-Defendant Amazon.com alleges as follows, without assuming the burden of proof as to any such defense:

1. RTHI has failed to state a claim on which relief can be granted.

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2. Amazon.com has privileges under the United States Constitution, the Washington State Constitution, the Florida State Constitution, and the common law, which bars RTHI's cause of action.

3. RTHI's damages, if any, must be reduced or barred by its failure to mitigate its damages.

4. RTHI's cause of action and its damages, if any, are barred by the doctrines of waiver and/or estoppel.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant Amazon.com requests the following relief:

- A. that RTHI's Counterclaim be dismissed with prejudice;
- B. that Amazon.com be awarded its costs, expenses, and attorneys' fees in defending RTHI's Counterclaim; and
- C. that the Court award Amazon.com such other relief as is just and equitable.

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Dated: December 3, 2003
Miami, Florida

Respectfully submitted,

/s/

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served via Facsimile and United States mail on December 3, 2003 on all other parties and counsel of record on the attached Service List.

/s/
Ismael Diaz

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SERVICE LIST
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